

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Randall Baird, et al.

Serial No. 09/409,922

Examiner: Toan D. Nguyen

Confirmation No. 6051

Filed: September 30, 1999

Group Art Unit: 2665

For: SCALABLE PACKET-SWITCHED CALL CONTROL SIGNALING

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION TO OVERCOME A CITED PUBLICATION
UNDER 37 C.F.R. § 1.131

1. The person making this declaration is Randall BAIRD, representative inventor of U.S. Patent Application Ser. No. 09/409,922 ('922 application) we reference in more detail above.

2. The examiner rejects certain claims of the '922 patent application under 35 U.S.C. § 103(a) as being unpatentable in view U.S. Patent No. 6,791,971 to Osman et al and publication titled Signaling Backhaul Protocol, IETF Internet Draft, by Auerbach et al.

3. Osman claims priority from provisional application 60/123,731, filed on March 10, 1999, which is the effective filing date of the reference. Auerbach has a publication date of February 25, 1999.

4. We conceived of the invention that is the subject of the claims in the '922 application prior to Osman's effective date of March 10, 1999 and Auerbach's publication date of February 25, 1999, as we evidence by the attached portions of the invention disclosure (Exhibit A) we submitted internally to Cisco prior to the effective date of Osman and the publication date of Auerbach (dates are blacked out as allowed by the rules).

5. We continuously conducted work on the invention from a date prior to the effective date of Osman and the publication date of Auerbach until the date of filing of the present application and thereafter.

I declare that all statements made here of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Randall BAIRD

Dated 8/4/07